

Message Text

CONFIDENTIAL

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ACTION L-01

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C O N F I D E N T I A L SAN JOSE 0919

LIMDIS

FOR ARA/CEN - PLEASE PASS TO OFFICE OF U.S. ATTORNEY,
SOUTHERN DISTRICT OF NEW YORK

E.O. 11652: GDS
TAGS: PFOR, PGOV, CS
SUBJECT: VESCO EXTRADITION: THE LAWYER'S QUESTIONS

REF: (A) SAN JOSE 870, (B) SAN JOSE 869; (C) SAN JOSE 737

1. EMBOFF HAS SPOKEN TO SOUTHERN DISTRICT'S COSTA RICAN LAWYER ABOUT STATUS RECHNITZER CASE AND EXTRADITION LAW. LAWYER CONFIRMED IN GENERAL TERMS SUBSTANCE REFEELS A, B, C. RE JUDGE OF INSTRUCTION'S DECISION IN RECHNITZER CASE (REF C), LAWYER VOLUNTEERED HIS VIEW THAT JUDGE WAS PROCEDURALLY INCORRECT WHEN HE THREW OUT CASE. HE EMPHASIZED, HOWEVER, THAT HE WOULD HAVE TO STUDY MATTER FURTHER BEFORE BEING ABSOLUTELY SURE.

2. LAWYER ASKED IF EMBASSY COULD EXPLAIN BY FISKE'S OFFICE HAD NOT CONTACTED HIM DIRECTLY SINCE HE HAD SUBMITTED STUDY WHICH HAD BEEN AGREED-UPON DURING HIS NEW YORK CONSULTATION, WHY HE HAD NOT BEEN ABLE TO REACH MR. FISKE BY TELEPHONE, OR WHY HIS CALLS HAD NOT BEEN RETURNED. HE EMPHASIZED AGAIN THAT HE IS STILL OF VIEW THAT IF USG IS GOING TO PROCEED IN THIS CASE,
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EXTRADITION EFFORT MUST BE INITIATED BEFORE VESCO FORMALLY FILES FOR COSTA RICAN CITIZENSHIP.

LAWYER ALSO SUGGESTED AGAIN THAT AN EXPEDITIOUS WAY TO ANSWER AND RESOLVE OUTSTANDING QUESTIONS WOULD BE FOR SOMEONE FROM SOUTHERN DISTRICT TO TRAVEL TO COSTA RICA FOR CONSULTATION HERE.

3. EMBOFF AGAIN SUGGESTED THAT LAWYER CALL NEW YORK, WHICH LAWYER SAID HE WOULD ATTEMPT OVER NEXT FEW DAYS. EMBOFF ALSO PROMISED TO CONVEY LAWYER'S VIEWS TO WASHINGTON AND NEW YORK.

4. ACTION REQUESTED: THAT DEPARTMENT SUGGEST TO U.S. ATTORNEY'S OFFICE THAT PHONE CALL OR OTHER MESSAGE TO LAWYER IS IN ORDER EVEN IF ONLY TO ASSURE LAWYER THAT SOUTHERN DISTRICT IS STILL STUDYING HIS REPORT AND AWAITING MORE CONCRETE DEVELOPMENTS RE RECHNITZER CASE AND EXTRADITION LAW QUESTION. KILDAY

NOTE BY OC/T: NOT PASSED.

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